

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:	21cv9575 (DLC)
	:	
Plaintiff,	:	<u>ORDER</u>
-v-	:	
	:	
JAMES DAVID O'BRIEN,	:	
	:	
Defendant.	:	
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DENISE COTE, District Judge:

On February 3, the parties filed a proposed consent judgment and stipulation. In the consent judgment and stipulation, the parties, inter alia, waived the right to a jury trial. They also agreed, however, that the defendant may request to present his own testimony in person and acknowledged that the Court may require the defendant to testify in person. The stipulation also acknowledged that, should the defendant testify, he could be subject to cross-examination by the plaintiff.

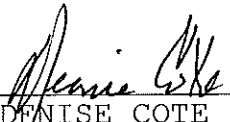
On March 29, 2023, the defendant submitted a letter request to provide live testimony on April 27, 2023 at 10:00 a.m. Pursuant to this Court's Individual Practices in Civil Cases, direct testimony of witnesses in non-jury proceedings is taken by affidavit. Accordingly, it is hereby

ORDERED that the defendant shall, by April 7, file an affidavit containing his direct testimony.

IT IS FURTHER ORDERED that the plaintiff shall, by April 12, submit a letter indicating whether it intends to cross-examine the defendant.

IT IS FURTHER ORDERED that, in the event the plaintiff intends to cross-examine the defendant, cross-examination shall be held on April 27, 2023 at 10:00 a.m. in Courtroom 18B, 500 Pearl Street, New York, New York 10007.

Dated: New York, New York
March 30, 2023



DENISE COTE
United States District Judge